IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4144 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NANAKRAM DHIRUMAL & 5 - Petitioner(s)

Versus

PRESIDENT & 2 - Respondent(s)

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Appearance :

MR CH VORA for Petitioner(s) : 1 - 6.
M/S THAKKAR ASSOC. for Respondent(s) : 1, 1.2.1,1.2.2
MR SIRAJ GORI AGP for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 25/11/2005

ORAL JUDGMENT

1. While issuing notice learned Single Judge of this Court on 22nd May, 1998 passed following order:

> "Heard learned advocate Mr.C.H.Vora on behalf of the petitioners. Issue urgent show cause notice pending admission. Notice is made returnable on 19/6/1998. In the mean while, the respondents are restrained from evicting present petitioners from the respective shops situated at Tower Chowk, Amreli, pursuant to impugned notice dated 8/5/1998, copy of which is produced at Annexure "D" collectively. However, the respondents shall be at liberty to proceed against the petitioners by following due process of law. Direct Service is permitted."

2. Learned advocate for the petitioners submitted that the petitioners are refugees having migrated from Sindh province in Pakistan during the partition of the country and that they are occupying the shops belonging to the Amreli Municipality-Respondent No.1 herein since many years. It is the case of the petitioners that as refugees they are entitled to certain preferential treatment emerging from the circulars issued by the State Government which have been produced at Annexure "F" & "G" to the petition.

3. Learned advocate Mrs. Pahwa appearing for the Amreli Municipality submitted that the petitioners are not refugees and would therefore not be entitled to the benefits flowing from the above mentioned circulars. She, however, submitted that the Municipality is prepared to consider their case for granting alternative

accommodation on the basis of prevailing policy.

4. While disposing of this petition, therefore, it is directed that the petitioners shall not be evicted from the premises in question without following due process of law. If the respondents wish to take action of eviction against the petitioners, they will be given an opportunity of being heard and their contention that the circulars “F” & “G” would apply in their case would also be considered by the authorities. I have expressed no opinion on this aspect of the matter.

5. With these directions and observations, the petition is disposed of. Rule is made absolute to the above extent. No order as to costs.

(Akil Kureshi, J.)

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